

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION

MONICA DANIEL HUTCHISON,)	
)	
Plaintiff,)	
)	
v.)	Case No.: 09-3018-CV-S-RED
)	
TEXAS COUNTY, MISSOURI,)	
MICHAEL R. ANDERSON,)	
TEXAS COUNTY PROSECUTING)	
ATTORNEY, and)	
MICHAEL R. ANDERSON, individually,)	
)	
Defendants.)	

**DEFENDANT ANDERSON'S MOTION TO STRIKE PLAINTIFF'S ADDITIONAL RULE
26(a) DISCLOSURES OR IN THE ALTERNATIVE MOTION TO EXTEND DISCOVERY
DEADLINE**

COMES NOW Defendant Michael R. Anderson (hereinafter "Defendant Anderson"), by and through counsel, and for his Motion to Strike or in the Alternative to Extend the Discovery Deadline, states as follows:

1. The current discovery deadline is set for July 15, 2010.
2. On or about July 7, 2010, the plaintiff filed her additional Rule 26(a) disclosures.
3. The plaintiff's additional Rule 26(a) disclosures contains several individuals who were not previously listed and who have not been previously deposed. Specifically, the plaintiff lists Terry Nelson, Jessica Sparks, Andrea Spillars and Craig Chabal.
4. Pursuant to Federal Rule of Civil Procedure 30(b), a party seeking to depose another person must give reasonable written notice to every other party. Additionally under Rule 45, any subpoena issued for a deposition of a non-party must allow the non-party a

reasonable amount of time to comply. Finally, pursuant to Rule 32(a)(5), if a deposition is taken on less than 14 days notice, then opposing counsel may move for protective order preventing said deposition from being used at trial.

5. Due to the limited amount of time between the plaintiff's amended 26(a) disclosures and the discovery deadline (eight days), counsel for defendant is unable to conduct the depositions of any of the four individuals named for the first time by the plaintiff in her amended disclosures.

WHEREFORE, Defendant Anderson respectfully requests that the Court strike the plaintiff's additional Rule 26(a) disclosures or, in the alternative, to extend the pretrial discovery deadline to September 30, 2010, and for such other and further relief as the Court deems just under the circumstances.

**TAYLOR, STAFFORD, CLITHERO,
FITZGERALD & HARRIS, LLP**

By /s/Warren E. Harris
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 13th day of July, 2010, the foregoing *Defendant Anderson's Motion to Strike or in the Alternative to Extend the Discovery Deadline* was electronically filed with the Clerk of the Court using the CM/ECF system which sent notification of such filing to counsel for Plaintiff, David L. Steelman and Corey L. Franklin.

/s/ Warren E. Harris

Warren E. Harris